

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

QUINTON P. BROWN,

Plaintiff,

VS.

EMERALD STATE OF
WASHINGTON, BERNIE
WARNER, and HENRY
BROWNE,

Defendants.

NO. 13-CV-428-LRS

ORDER DENYING MOTION FOR TEMPORARY RESTRAINING ORDER

BEFORE THE COURT is Plaintiff's construed "Motion for Temporary Restraining Order," ECF No. 6, which was noted for hearing on March 14, 2014. Plaintiff, a prisoner at the Airway Heights Corrections Center, is proceeding *pro se* and *in forma pauperis*; Defendants have not been served. Plaintiff submitted documents indicating he was filing a Motion, but only a proposed Order was presented to the Court. This document has been liberally construed as a Motion, which was heard without oral argument on the date signed below.

By Order filed February 18, 2014, the Court advised Plaintiff of the deficiencies of his Complaint and directed him to amend or voluntarily dismiss within sixty (60) days. Plaintiff has not yet complied with this directive. The Court has no jurisdiction to address Plaintiff's motion until he has filed a legally sufficient complaint. *See generally* Fed. R. Civ. P. 3 and the notes following the rule. Furthermore, Defendants are not parties to a suit before being served with process. *See Neals v. Norwood*, 59 F.3d 530,

1 532 (5th Cir. 1995). Therefore, **IT IS ORDERED** Plaintiff's Motion, ECF No. 6, is
2 **DENIED** with leave to renew after he has filed a legally sufficient complaint and
3 Defendants have appeared in this action.

4 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
5 Order and forward a copy to Plaintiff.

6 **DATED** this 17th day of March, 2014.

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8 *s/Lonny R. Sukko*

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10 LONNY R. SUKO
SENIOR UNITED STATES DISTRICT JUDGE
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